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09/321,204	05/27/1999	YOUZOU MATSUDA	2589-4	6143

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EXAMINER
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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 January 2004*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-23* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to. ·
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119 ·

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☒ Some * c) ☐ None of:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-23 rejected under 35 U.S.C. 102(e) as being anticipated by Cistulli,

Patent #5,946,376.

Regarding claim 1, Cistulli teaches a portable electronic apparatus incorporating

software and having a wireless telephoning function (fig.1), comprising:

a display for displaying one or more selection screens (30 Fig.1 and col.2 lines

36-44);

a first memory(25 Fig.1) for storing a plurality of sets of initial data for the

software to cope with various kinds of area data and languages so that the portable

electronic apparatus utilizes the area data of an area in which the portable electronic

apparatus is used and displays on the display in a language corresponding to the area

data *(col.1 lines 34-43 and col.2 lines 36-44; displayed language corresponds to the*

area data module the phone is used in).

input means for allowing selection from the selection screens of area data, a language

corresponding thereto, and an additional language used in an area in which the portable

electronic apparatus is used *(col.1 lines 34-65 and col.2 lines 36-67; the initial language*

screen is displayed and the user selects another language based from the selection

screen ("from the selection screens" is read more broadly than the phrase "on the

selection screens"); and

a second memory(25 Fig.1) for storing the area data, the language corresponding

thereto, and the additional language entered through the input means, wherein, when

the software is initialized, initial data corresponding to the area data, the language

corresponding thereto, and the additional language stored in the second memory is

selected from the initial data stored in the first memory (col.1 lines 34-65, col.2 lines 36-

67, and col.3 lines 3-24)

Regarding claim 2, Cistulli teaches a portable electronic apparatus as claimed in

claim 1, further comprising:

editing means for allowing the selected initial data to be edited by a user and storing

means for storing the initial data edited by the user in the second memory(25 Fig.1 and

col.1 lines 46-65)

Regarding claim 3, Cistulli teaches a portable electronic apparatus as claimed in

claim 2, wherein, when the software of the portable electronic apparatus having the

wireless telephoning function is initialized by use of the initial data corresponding to the

area data, the language corresponding thereto, and the additional language as edited

by the user, the initial data is checked so that, if incorrect data is found therein, the initial

data edited by the user is automatically deleted and the software of the portable

electronic apparatus having the wireless telephoning function is initialized by use of the

initial data corresponding to the area data, the language corresponding thereto, and the

additional language as initially set (col.1 lines 34-65 and col.3 lines 1-31)

Regarding claim 4, Cistulli teaches a portable electronic apparatus as claimed in

claim 2, further comprising:

a key that is operated to delete the initial data edited by the user (col.1 lines 55-65).

Regarding claim 5, Cistulli teaches a portable electronic apparatus as claimed in

claim 4, wherein, when the software of the portable electronic apparatus having the

wireless telephoning function is initialized by use of the initial data corresponding to the

area data, the language corresponding thereto, and the additional language as edited

by the user, the initial data is checked so that, if incorrect data is found therein, the initial

data edited by the user is automatically deleted and the software of the portable

electronic apparatus having the wireless telephoning function is initialized by use of the

initial data corresponding to the area data, the language corresponding thereto, and the

additional language as initially set (col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 6, Cistulli teaches a portable electronic apparatus as claimed in

claim 4, wherein, when the key that is operated to delete the initial data edited by the

user is operated, the initial data edited by the user is deleted and the software of the

portable electronic apparatus having the wireless telephoning function is initialized by

use of the initial data corresponding to the area data, the language corresponding

thereto, and the additional language as initially set (col.1 lines 34-65 and col.3 lines 1-

31).

Regarding claim 7, Cistulli teaches a portable electronic apparatus as claimed in

claim 6, wherein, when the software of the portable electronic apparatus having the

telephoning function is initialized by use of the initial data corresponding to the area

data, the language corresponding thereto, and the additional language as edited by the

user, the initial data is checked so that, if incorrect data is found therein, the initial data

edited by the user is automatically deleted and the software of the portable electronic

apparatus having the wireless telephoning function is initialized by use of the initial data

corresponding to the area data, the language corresponding thereto, and the additional

language as initially set (col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 8, Cistulli teaches a portable electronic apparatus(Fig.1)

incorporating software and having a wireless telephoning function, comprising: a first

memory area for storing software(25 Fig.1);

a second memory area for storing a plurality of sets of initial data for the software

corresponding to area data for an area in which the portable electronic apparatus is

used and a first language for use as a language corresponding to the area data so that

the portable electronic apparatus is usable in a plurality of areas and languages (col.1

lines 34-43 and col.2 lines 36-44; displayed language corresponds to the area data

module the phone is used in).

a third memory area for storing an index to the initial data(25 Fig.1); a display for

displaying one or more selection screens (30 Fig.1);

input means for allowing selection from the selection screens of the area data, the first

language, and a second language used as an additional language (col.1 lines 34-65

and col.2 lines 36-67; the initial language screen is displayed and the user selects

another language based from the selection screen ("from the selection screens" is read

more broadly than "on the selection screens");

a fourth memory area for storing area and language data used to initialize the software

and a fifth memory area for storing a flag indicating data is edited by input of the area

data, the first language, or the second language through the input means; and a sixth

memory area for storing the area data, the first language, and the second language

which are selected using the input means (25 Fig.1 and col.1 lines 46-65 and col.2 lines

36-67);

wherein, when the flag in the fifth memory area is not set, the portable electronic

apparatus reads out the area and language data from the fourth memory area, acquires

from the third memory area an index to the initial data corresponding to the area and

language data, and initializes the software in the first memory area by using the initial

data specified by the index and stored in the second memory area, and when the flag in

the fifth memory area is set, the portable electronic apparatus initializes the software in

the first memory area by using the area data, the first language, and the second

language in the sixth memory area (25 Fig.1, col.1 lines 46-65 and col.2 lines 36-67;

multiple memory areas are used Cistulli and is not a novel subject matter).

    Regarding claim 9, Cistulli teaches a portable electronic apparatus as claimed in

claim 8, wherein, when the software of the portable electronic apparatus having the

wireless telephoning function is initialized by use of the initial data corresponding to the

area data, the first language, and the second language, the initial data is checked so

that, if incorrect data is found therein, the initial data input through the input means is automatically deleted and the software of the portable electronic apparatus having the wireless telephoning function is initialized by use of the initial data corresponding to the area data, the first language, and the second language as initially set (col.1 lines 34-65 and col.3 lines 1-31).

Regarding claim 10, Cistulli teaches a portable electronic apparatus as claimed in claim 8, further comprising:

a key that is operated to delete the initial data input through the input means (col.1 lines 34-65 and col.2 lines 59-67)

Regarding claim 11, Cistulli teaches a portable electronic apparatus having a telephoning function comprising (Fig.1): a first memory area storing a software application and a second memory area storing different sets of initialization data for initializing the software application stored in the first memory area (col.1 lines 34-65 and col.2 lines 36-67);

a display for displaying one or more selection screens (30 Fig.1);

an input device(col.2 lines 59-67) operable by a user of the apparatus to select from the selection screens a geographic area and at least one language (col.1 lines 34-65 and col.2 lines 36-67);

a third memory area storing the user-selected geographic area and language and control circuitry for initializing the software application by accessing one of the sets of initialization data stored in the second memory area based on the user-selected

geographic area and language stored in the third memory area (Fig.1, col.1 lines 34-65, and col.3 lines 1-31).

Regarding claim 12, Cistulli teaches the portable electronic apparatus as claimed in claim 11, further comprising: a fourth memory area storing a pre-selected geographic area and language (25 Fig.1 and col.1 lines 34-65); and a fifth memory area storing a flag which is set/cleared to indicate that a user selected geographic area and language are stored in the third memory area and which is cleared/set to indicate that no user-selected geographic area and language are stored in the third memory area, wherein if the flag indicates that no user-selected geographic area and language are stored in the third memory area, the control circuitry initializes the software application by accessing one of the sets of initialization data stored in the second memory area based on the pre-selected geographic area and language stored in the fourth memory area(25 Fig.1, col.1 lines 34-65 and col.2 lines 36-67).

Regarding claim 13, Cistulli teaches the portable electronic apparatus as claimed in claim 12, wherein the input device is further operable by the user of the apparatus to delete the user-selected geographic area and language stored in the third memory area(col.1 lines 46-65)

Regarding claim 14, Cistulli teaches the portable electronic apparatus as claimed in claim 13, wherein the software application is initialized by the control circuitry after the user-selected geographic area and language stored in the third memory area are deleted based on the pre-selected geographic area and language stored in the fourth memory area(25 Fig.1 and col.1 lines 46-65).

Regarding claim 15, Cistulli teaches the portable electronic apparatus as claimed

in claim 12, wherein incorrect data stored in the third memory area is automatically

deleted and the software application is thereafter initialized by the control circuitry based

on the pre-selected geographic area and language stored in the fourth memory

area(col.2 lines 45-58).

Regarding claim 16, Cistulli teaches the portable electronic apparatus as claimed

in claim 11, wherein the software application comprises an electronic mail

application(55 Fig.1 and col.1 lines 21-33; informational messages and fax services is

electronic mail).

Regarding claim 17, Cistulli teaches the portable electronic apparatus as claimed

in claim 1,wherein the one or more selection screens comprise an area selection screen

identifying one or more areas for selection using the input means.

Regarding claim 18, Cistulli teaches the portable electronic apparatus as claimed

in claim 1,wherein the one or more selection screens comprise a language selection

screen identifying one or more languages for selection using the input means(col.2 lines

59-67).

Regarding claim 19, Cistulli teaches the portable electronic apparatus as claimed

in claim 8, wherein the one or more selection screens comprise an area selection

screen identifying one or more areas for selection using the input means (col.2 lines 59-

67; the initial language will identify the area the user is in and also to choose another

area language if the area is foreign to the user).

Regarding claim 20, Cistulli teaches the portable electronic apparatus as claimed

in claim 8, wherein the one or more selection screens comprise a language selection

screen identifying one or more languages for selection using the input means*(col.2 lines*

59-67; the initial language screen is displayed and the user will select another language

based from the selection screen).

Regarding claim 21, Cistulli teaches the portable electronic apparatus as claimed

in claim 11, wherein the one or more selection screens comprise an area selection

screen identifying one or more areas for selection using the input means*(col.2 lines 59-*

67; the initial language will identify the area the user is in and also to choose another

area language if the area is foreign to the user).

Regarding claim 22, Cistulli teaches the portable electronic apparatus as claimed

in claim 11, wherein the one or more selection screens comprise a language selection

screen identifying one or more languages for selection using the input means*(col.2 lines*

59-67; the initial language screen is displayed and the user will select another language

based from the selection screen).

Regarding claim 23, Cistulli teaches a portable electronic apparatus having a

wireless telephoning function comprising:

a first memory area storing a software application (25 Fig.1) and a second memory area

storing different sets of initialization data for initializing the software application stored in

the first memory area (col.2 lines 45-58);

a receiver for receiving data designating a geographic area and at least one

language(20 Fig.1) and a third memory area storing the designated geographic area

and language (25 Fig.1 and col.2 lines 45-58); and

control circuitry for initializing the software application by accessing one of the sets of

initialization data stored in the second memory area based on the designated

geographic area and language stored in the third memory area (col.1 lines 34-44 and

col.2 lines 45-67).

Response to Arguments

2.   Applicant's arguments with respect to claims 1-16 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph T Phan whose telephone number is 703-305-

3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JTP
April 26, 2004

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